

# **In the Court of Appeals of the State of Alaska**

**Mark J Kon,**

Appellant,

v.

**State of Alaska,**

Appellee.

Court of Appeals No. **A-13242**

## **Order**

Date of Order: **2/17/2021**

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Trial Court Case No. **3AN-97-09242CR**

The Appellant, Mark J. Kon, is represented by the Public Defender Agency in this appeal. After the Agency filed a Notice of Change of Circumstances explaining that Mr. Kon is no longer “on probation for the conditions he seeks to overturn on appeal,” this Court — noting that it appears there are no issues remaining in this appeal that still present a live controversy — ordered the Agency to show cause why this case should not be dismissed as moot. As a general matter, a case becomes moot when it has lost its character as a present, live controversy or when the party bringing the action would not be entitled to any relief even if the party prevails.

The Agency has filed its response to the order to show cause. The Agency explains that it is having difficulty contacting Mr. Kon, and because of this, has been unable to determine whether he wants to continue or dismiss the appeal if it were to become moot. The Agency also explains that based on messages that Mr. Kon has left, it appears that he wants this Court to issue a decision on his appeal. The Agency takes no position as to what this Court should do, but requests that the Court not dismiss this case as moot. The Agency does not, however, identify any issue in this appeal that still presents a live controversy.

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Because the Agency has not identified any issue remaining in this appeal that still presents a live controversy, this appeal is **DISMISSED** as moot.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts



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Sarah Anderson, Deputy Clerk

cc: Court of Appeals Judges  
Judge Marston  
Trial Court Appeals Clerk

Distribution:

Email:  
McFarland, Renee, Public Defender  
Blum, Hazel Claire